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CENTRAL COAST PATENT AGENCY, INC
3 HANGAR WAY SUITE D
WATSONVILLE, CA 95076

EXAMINER
BARTLEY, KENNETH

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 May 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>14,16-28 and 30--33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>14,16-28 and 30-33</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Receipt of Applicant's amendment filed on May 20, 2008 is acknowledged.

Response to Amendment

2.   Claims 14 and 28 are currently amended. Claims 1-13, 15, and 29 are canceled.

Claims 14, 16-28, and 30-33 are pending in the application and are provided to be

examined upon their merits.

Response to Arguments

3.   Applicant's arguments with respect to claims 14, 16-28, and 30-33 have been

considered but are moot in view of the new ground(s) of rejection. Nevertheless, the

Examiner provides a response below in **bold** where appropriate.

Applicant notes amendment of claims, page 7 of remarks:
> The Examiner has kindly provided a "Response to Arguments" portion of the
> present Office Action. Applicant herein amends the present claims, arguing the
> patentability of the claims, as amended, below. Therefore, applicant will not
> respond to the arguments presented in this section as new arguments are made
> in the present response.

Noted. The Examiner will review the amended claims.

Applicant amends the specification:
> Applicant herein amends the specification, correcting the serial number to priority
> application 09/323,598. The Ser. No. indicated by the Examiner was incorrect,
> however we amend with the correct number.

The Examiner thanks the Applicant.

Claim 1 and 3-13 objections/rejections:

The Examiner provided an objection to claim 1 and 35 U.S.C. §112, 2nd paragraph rejection to claims 1 and 3-13. Since the claims are canceled these objections/rejections are moot and they are removed.

Prior art rejection under 35 U.S.C. §103(a) on page 8 of remarks:
Claims 1, 3-14, 16-28, and 30-33 were rejected using U.S. Patent 7,165,044 to Chaffee in view of U.S. Patent No. 6,826,553 to DaCosta et al. and in further view of Official Notice.

Claims 1 and 3-13 are canceled, therefore this rejection is no longer applicable. However, claims 14, 16-28, and 30-33 remain rejected based on the response below.

Applicant reviews features of amended claims on page 8:
Applicant herein cancels claims 1 and 3-13. Claims 14 and 28 are herein amended to specifically recite a second server node connected to the network and accessible to the first server node, the second server node providing automated navigation to Web pages providing access to the user's investment accounts, logging in with the user' s password and user name, as if the user, periodically accessing the user's financial data held in the accounts, manipulating the accounts, as if the user, and aggregating the data for the user; and

a portfolio-tracking software interface installed on the first server node;

wherein the interface is accessible to the user and connected to the network by respective remote nodes, and the user, accessing the first server node from the remote nodes interacts with the portfolio-tracking interface for the purpose of viewing the user's financial data according to selected category, the user's portfolio data compiled, aggregated by proxy and stored by the second server and the first server accesses the user's aggregated financial information from the second server and generates reports for the user.

Applicant points out that the second server performs the heavy time consuming work of navigating, accessing and aggregating data at Web sites and the first server provides the portal for the user to access aggregated information and reports in a timely efficient manner.

The Applicant is pointing out the advantage of two servers, where the first server provides a portal and generates reports while the second server compiles and summarizes financial information. The Examiner provides new art to teach this feature.

Applicant does not believe it would be obvious to have a second server performing the majority of the work because applicant teaches that the information or reports retrieved

from the interface are done with cell phones and hand-held computing devices. These "lite" computing devices have difficulty navigating, accessing and waiting for information to be compiled. Having a second server to perform the heavy work, as in applicant's invention, allows updated accurate information to be available in an instant for said lite computing devices. Chaffee teaches one remote server 10 communicating with financial institutions (Fig. 1). DaCosta merely teaches an application 220 executing from a user's PC. Because the art provided by the Examiner fails to teach financial data and reports are accessed by cell phones or hand held computing devices, the art fails to suggest such a limitation, as claimed.

Applicant believes claims 14 and 28, as amended, are patentable over the art and the Examiner's "Official Notice". Dependent claims 16-27 and 30-33 are patentable on their own merits, or at least as depended from a patentable claim.

The Examiner respectfully maintains the rejection based on new art below.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148
        USPQ 459 (1966), that are applied for establishing a background for determining
        obviousness under 35 U.S.C. 103(a) are summarized as follows:
        1.   Determining the scope and contents of the prior art.
        2.   Ascertaining the differences between the prior art and the claims at issue.
        3.   Resolving the level of ordinary skill in the pertinent art.
        4.   Considering objective evidence present in the application indicating
                obviousness or nonobviousness.

6.   Claims 14, 16-28, and 30-33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent 7,165,044 to Chaffee in view of U.S. Patent No.

6,826,553 to DaCosta et al. and in further view of **US Pub. No. 2001/0034771 to**

Hütsch et al. and Official Notice.

The prior rejection regarding Chaffee is presented below, with added material presented

in **bold.**

7.   Regarding applicant claims 14, 17-18, 25-26, 28, and 31, Chaffee discloses:

   a. A computer based "…investment tracking system that is able to retrieve

       transaction data from a plurality of different accounts to generate a single

       financial report that is representative of the collective performance of all of the

       different accounts." (col. 2, lines 51-55) It is possible to view and edit

       (manipulate) data (col. 5, lines 27-29 and 50-51). This is available through a

       computer connected to a remote server, which can be linked to the Internet

       (which is a data-packet-network) (col. 4, lines 19-27 and Fig. 1);

   b. A "general information" web page (col. 5, lines 15-17 and Fig. 4) that can be

       accessed via a hyperlink from a "home page" (col. 4, lines 48-59 and Fig. 2);

   c. A "portfolio summary" page (col. 5, lines 27-32 and Fig. 8), that can be

       accessed via a menu (col. 5, lines 27-29) and hyperlink from the general

       information web page (col. 5, lines 15-17 and Fig. 4);

   d. A "portfolio summary" page (col. 5, lines 32-35 and Fig. 8) from which

       individual investment accounts can be linked (col. 6, lines 60-65) and reports

       (views of account and stock detail) obtained from a drop down menu (col. 8,

lines 33-37). Reports are auditable, which could then be used for data
tracking (col. 6, lines 65-67);

e. Portfolios (and their accounts) selected to be tracked are listed and can be
selected individually or as "ALL" (Fig. 4, Ref. 126);

f. A hyperlink from the "general information" web page to a "portfolio add" web
page to add new investment accounts (col. 5, lines 36-37 and Figs. 4 and 5).
Presumably, a spouses account could also be accessed and combined in a
portfolio for shared stock information;

g. Access to financial institution databases (col. 4, lines 13-18) through a remote
server, which acts as an investment portfolio tracking system (col. 3, lines 63-
66 and Fig. 1), via the Internet (col. 2, lines 56-62). Financial institutions
include brokerage houses, investment banks, on-line brokers, etc., which
would therefore be available to the public (col. 4, lines 4-7);

h. An intranet or local server network for users, which can be linked to a remote
server (col. 4, lines 22-27 and col. 11, lines 52-56) investment portfolio
tracking system.

i. **Chaffee provides a browser interface on a computer, programmed on a
user's computer to provide financial reports (col. 2, lines 63-37), with a
remote server running applications (Fig. 1, ref. 10 and col. 3, lines 63-67
and col. 4, lines 1-3) for portfolio summaries (Fig. 8 and col. 5, lines 15-
23). Also, see "Portal" below.**

Chaffee teaches a computer based system for retrieving transaction data from a

plurality of different accounts to create a financial report, using the Internet to access

financial institution databases.

Chaffee fails to teach navigating to and logging into web sites as if by a user and

collecting information from the web sites.

However, DaCosta et al., teaches a known technique of accessing web sites as if by a

user by navigating to and automatically logging into the web site and collecting

information from the web site. DaCosta et al. specifically teaches:

> "One embodiment of the present invention provides <u>a system for collecting</u>
>
> <u>unstructured data from one or more web sites on the Internet and providing</u>
>
> <u>structured data</u>, for example, to navigate to multiple web sites and extract
>
> data snippets. The system in accordance with one embodiment of the present
>
> invention enables the process of <u>collecting such data to be automated so that</u>
>
> <u>one or more target data sources can be constantly monitored</u>." (col. 2, lines 11-
>
> 18)
>
> "A further object of the present invention is to provide a computerized tool
>
> capable of <u>automatically navigating to a plurality of destination web sites</u>,
>
> <u>extracting select pieces of data therefrom</u>, processing the extracted data and
>
> displaying the processed data in an organized format." (col. 2, lines 4-8)
>
> "The system of the present invention preferably <u>comprises a navigation module</u>
>
> that <u>accesses one or more web pages or other web-accessible documents</u>. The
>
> navigation module provides the capability for a user to specify and store a

procedure such as a series of clicks and entries of information, for example, <u>a</u>

<u>user name and password, to access a web page or other web-accessible</u>

<u>document</u>, as well as the capability to perform the procedure to actually <u>access</u>

<u>the web page or other web-accessible document in an automated manner</u>. The

system in accordance with the present invention also preferably comprises an

extraction module that <u>scrapes information from the accessed web page or other</u>

<u>web-accessible document</u>." (col. 2, lines 55-67)

"In summary, the system of the present invention provides an <u>engine for</u>

<u>accessing data on one or more web pages or other web-accessible documents</u>

<u>primarily intended for human readability preferably using a browser, for scraping</u>

<u>web page or other web-accessible document data identified by a user as being</u>

<u>relevant</u> and for structuring the collected data so that relevant data is in a

structured form that can be utilized by a microprocessor-based device. Using a

convenient visual programming interface, <u>the user can automate collection of</u>

<u>data from the Internet</u> and transform the data to a machine usable format such

that the unstructured data available on the Internet can be stored and later

processed, effectively converting document-centric information to database-

centric information and thus to accessible intelligence." (col. 3, lines 53-67)

This known technique of accessing web sites is applicable to the system of Chaffe as

they both share the characteristics of using the Internet to automatically obtain data.

One of ordinary skill in the art at the time of invention would have recognized that

applying the known technique of DaCosta et al. would have yielded the predictable

results of an improved system. It would have been recognized that applying the

technique of DaCosta et al. to the teachings of Chaffee would have yielded the

predictable results of accessing data by web sites demonstrated by DaCosta et al., and

that accessing data using web sites with Chaffee's system would have been recognized

by those of ordinary skill in the art as resulting in an improved system that would allow

for direct access to the different sites and their data and not require pre-approval to

directly access financial institution databases.

Portal:

The combined references teach a browser interface on a user's computer

providing financial reports and a server running applications to provide portfolio

summaries, where data is retrieved from web sites.

The combined references do not teach a first server node, which provides access

to users.

Hütsch et al. discloses a web server and a configuration server with the following

features:

> **"The web-top manager includes a plurality of remote applications; a**
>
> **web server; a main servlet executing on the web server, wherein the main**
>
> **servlet receives a user device content request; and a presentation and**
>
> **logic system coupled to the main servlet. The presentation and logic**
>
> **system is configured to receive raw data content in a plurality of different**
>
> **raw data formats from the universal content broker system. The**

presentation and logic system converts raw data content irrespective of the raw data format, based upon characteristics of the user device, into a page displayable on the user device." ¶ [0025]

"Further, data from external sources, such as stock quotes from web-based service providers, can be accessed using the same single user interface." ¶ [0083]

"As explained more completely below, the operations performed on UCB content are not limited to retrieving and saving content. Properties of content can also be changed, added, updated, or perhaps deleted through universal content broker 113 and the appropriate universal content provider."¶ [0174]

"Network portal system 100, according to the embodiment illustrated in FIG. 3A, is divided into three tiers, e.g., a client tier 301, a middle tier 302, and an information system tier 303 that in turn are each divided into several subsystems. In this embodiment, client tier 301 includes a computer system 102i and a wireless application protocol (WAP) device 102j. Middle tier 302 is web-top manager 111. Information system tier 303 includes universal content broker system 112 that in turn includes a configuration server 336 with associated database(s) 337, and universal content broker 113 that utilizes a plurality of universal content providers 331 and universal content broker (UCB) content 332." ¶ [0115]

"As indicated above, in the embodiment of FIG. 3A, <u>middle tier 302 is</u>

<u>web-top manager 111</u>. Web-top manager 111 <u>includes a web server 320.</u>" ¶

[0124]

Figs. 3A and 3B.

It would have been obvious to one of ordinary skill in the art at the time of

invention to include the data gathering system of the combined references with a

portal system as taught by Hütsch et al. since the combined invention is merely a

combination of old elements, and in the combination each element merely would

have performed the same function as it did separately, and one of ordinary skill in

the art would have recognized that the results of the combination were

predictable.

8.   <u>Regarding claims 16, 22 and 30</u>, Chaffee discloses that financial reports can be

        generated by a browser using HTML (col. 9, lines 17-19).

9.   <u>Regarding claims 19, 20, 32 and 33</u>, Chaffee discloses hand-held computers that

        can be wireless, and wireless communication can use cellular connections, which

        would allow for cellular telephone (col. 4, lines 19-27).

10.   <u>Regarding claims 23, and 24</u>, Chaffee discloses an "add" link that can

        automatically go to a financial institutions web site and provide information

        regarding an investment account (col. 5, lines 40-46 and Figs. 4 and 5).

        Presumably, the investment accounts could include IRA's, money market, and

        retirement accounts.

11.   Regarding claim 21, Chaffee provides that financial reports are generated from

information stored on a database on a server (col. 6, lines 18-24 and Fig. 1, Ref.

30).

12.   Regarding claim 27, Chaffee discloses a "view" hyperlink (col. 5, lines 27-29, Ref.

121) in the "general information" web page that links to a portfolio summary

display (Fig. 8). Other financial information, such as number of shares and total

value of a stock can be listed (col. 6, lines 60-62 and Fig. 9A-9V).

Conclusion

15.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH L. BARTLEY whose telephone number is (571)272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jagdish Patel can be reached on (571) 272-6748. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAGDISH N PATEL/

Primary Examiner, Art Unit 3693